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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,598	06/27/2003	Ben Huang	WINN.001A	2270
20995	7590	04/29/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			BLAU, STEPHEN LUTHER	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			3711	

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/608,598

Applicant(s)

HUANG, BEN

Examiner

Stephen L. Blau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11, 13-16, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (5,695,418) in view of Haseyama and Yasui.

Huang discloses an elastomer layer in the form of a polyurethane layer bonded to a textile layer in the form of a felt layer.

Huang lacks an elastomer layer comprising an inorganic antimicrobial agent comprising silver, a silica-alumina carrier, and the concentration by weight of an inorganic antimicrobial agent is about 2%. Haseyama discloses using antimicrobial/antifungi agents as additives (0162) for urethane elastomers (Title) used as golf club grips (0393). In view of the publication of Haseyama it would have been obvious to modify the urethane of Huang to have an antimicrobial/antifungi agent as an additive in order to have a golf grip that is resistant to fungi and bacteria. Yasui discloses a urethane material (Col. 2, Lns. 65-67) for a grip (Col. 1, Lns. 21-27) for a fishing pole (fig. 1) having antibacterial and antifungal material (Col. 2, Lns. 61-64) in the form of inorganic material of silver combined with silica-alumina (Col. 3, Lns. 8-20),

BACTEKIRANI, NOVALON (Table 1) and the concentration by weight of an inorganic antimicrobial agent is from .2 to 3 % (Tables 1-2). In view of the patent of Yasui it would have been obvious to modify the grip of Huang to have an antibacterial and antifungal material in the form of inorganic material of silver combined with silica-alumina having a concentration by weight of an inorganic antimicrobial agent being about 2% in order to utilize an antibacterial and antifungal material available in the market place for grips effective in reducing a bacteria count.

3. Claims 12, 17-18, 20-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (5,695,418) in view of Haseyama and Yasui as applied to claims 1-11, 13-16, 19, and 22 above, and further in view of applicant's disclosure.

Huang lacks an inorganic antimicrobial silica-alumina being montmorillonite having the formula as defined by claim 12. The applicant admits a commercially available antimicrobial having 2% by weight of silver and the silica-alumina being montmorillonite having the formula as defined by claim 12 (0027). In view of applicants disclosure it would have been obvious to modify the grip of Huang to have an inorganic antimicrobial silica-alumina being montmorillonite having the formula as defined by claim 12 in order to utilize an inorganic antimicrobial additive available in the market place.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 9-75480 discloses an antimicrobial solution placed in a polyurethane used for a grip of a golf club.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Teresa Walberg whose telephone number is (703) 308-1327. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858. (TC 3700 Official Fax 703-872-9306)

slb/ 27 April 2004


STEPHEN BLAU
PRIMARY EXAMINER